

Amendment No. 1 to SB0234

Bailey
Signature of Sponsor

AMEND Senate Bill No. 234*

House Bill No. 528

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-5601.

As used in this part:

(1) "Affiliate" means any person controlling, controlled by, or under common control with such person;

(2) "Division" means the division of consumer affairs in the office of the attorney general and reporter; and

(3) "Person" means a natural person, individual, governmental agency, partnership, corporation, trust, estate, incorporated or unincorporated association, and any other legal or commercial entity however organized, including any affiliate.

47-18-5602.

(a)

(1) A person shall not contact a property owner more than one (1) time in a calendar year in connection with an unsolicited request to buy the property owner's real property.

(2) The limitation described in subdivision (a)(1) applies to contact made through a telephone call, text message, email, mail, facsimile transmission, or another form of contact.

(b) When a person contacts a property owner in connection with an unsolicited request to buy the property owner's real property, prior to making the solicitation, the person shall provide to the property owner:

- (1) The person's legal name;
- (2) The address from which the person operates;
- (3) A telephone number at which the person can be contacted; and
- (4) An email address at which the person can be contacted.

47-18-5603.

(a) If a property owner believes a person has violated § 47-18-5602, then the property owner may submit a complaint to the division. The division shall:

- (1) Begin reviewing a complaint submitted pursuant to this subsection (a) within twenty (20) business days from the date the complaint is submitted;
- (2) Send a written notice to the property owner that the division is reviewing the complaint; and
- (3) Send a written notice to the property owner upon completion of the review describing the findings of the review, including whether the individual who contacted the property owner is a licensed real estate agent, and the actions taken, if any, as a result of the findings.

(b)

(1) With regard to alleged violations of this part, the attorney general and reporter has all of the investigative and enforcement authority that the attorney general and reporter has under part 1 of this chapter. The attorney general and reporter may institute a proceeding involving alleged violations of this part in Davidson County circuit or chancery court or another venue otherwise permitted by law.

(2) The attorney general and reporter shall require the person being investigated pursuant to a complaint submitted in accordance with subsection (a)

to disclose any affiliates of the person that have sent an unsolicited request to buy the property owner's real property.

(3) If a court finds that a person violated § 47-18-5602, then the court shall assess a fine of up to one thousand five hundred dollars (\$1,500) per violation. The court may also order reimbursement to this state for the reasonable costs and expenses of investigation and prosecution of actions under this part, including attorneys' fees.

(4) For purposes of determining how many violations a person has committed, each contact beyond the permitted number under § 47-18-5602 by a person, including any affiliate of the person, is a separate violation.

47-18-5604.

This part does not apply to an individual who is licensed as a real estate agent in the state in which the real property about which the individual contacted the property owner is located.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.